

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, October 10, 2017, 5:00PM



The Honorable William “Bill” Edwards, Mayor (present)
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)
The Honorable Mark Baker, District 7 Councilmember (present)

WORK SESSION MINUTES

The meeting was called to order by Mayor Edwards at 5:01pm.

- Presentations from the South Fulton CID — Jodie Gray, and Fulton Industrial Boulevard CID – Gil Prado

The Interim City Manager indicated that the South Fulton CID would not be making a presentation.;

Mr. Gil Prado gave a Fulton Industrial Boulevard CID presentation.

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- Presentation on naming the City (Communications)

A presentation was made by the Director of Communications, Chata Spikes followed by a presentation by Ms. Bunnie Jackson-Ransom of firstClass, Inc. and Ms. Sophie Gibson of VIVO360, Inc.

- Presentation on a Proposed Ethics Ordinance (City Attorney)

Kimberly Anderson, City Legal Counsel, introduced Mr. Dave Dove who joined their firm last week.

Mr. Dove informed the Councilmembers that the Ethics Ordinance included in the Agenda Packet was a starting point for Council to establish an ethical government in their City. Step 1, approving a Resolution was achieved by the City on May 23, 2017. Step 2, adopting an Ordinance with minimum requirements to comply with GMA standards is before the Council today.

The sample Ordinance gives the Council options to establish a 3-member 'Board of Ethics'. Councilmember Willis indicated that she has worked with Mayor Pro Tem Rowell on an Ethics Ordinance and would like to know if 'sections' on penalties when violations of the Charter occur were added if that would harm the certification process from GMA. Mr. Dove indicated that Cities may add sections. Legal counsel will work with the City to provide the Ordinance that is most comfortable for the City.

- Executive Session, if necessary

A motion was made by Councilmember Willis and seconded by Mayor Pro Tem Rowell to recess/enter into Executive Session regarding Personnel and Litigation. The motion passed unanimously, 7-0-0. The recess began at 6:42pm.



DIVIDER SHEET



The Honorable William “Bill” Edwards, Mayor (present)
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)
The Honorable Mark Baker, District 7 Councilmember (present)

REGULAR MEETING MINUTES

1. Call to Order

The meeting was called to order by Mayor Edwards at 7:00pm.
The roll was called and a quorum was present.

2. Invocation

The Invocation was rendered by Pastor Warren L. Henry, Sr.

3. Pledge of Allegiance

The Pledge of Allegiance was recited in unison.

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4. Approval of the Consent Agenda
 - a. Meeting Minutes – Tuesday, September 26, 2017
 - b. Resolution to Adopt an Amended Pay and Class Scale for the City of South Fulton, Georgia, to Approve the Human Resources Director's use thereof, and for various other purposes. **(Res2017-062)**
 - c. Proclamation Recognizing Free and Accepted Ancient York Rite Masons Appreciation Day. **(Jackson)**

A motion was made by Councilmember khalid and seconded by Councilmember Jackson to approve/accept the Consent Agenda excluding the Amended Pay and Class Scale. The motion passed unanimously, 7-0-0.

5. Approval of the Regular Meeting Agenda

A motion was made by Councilmember Gumbs and seconded by Councilmember Gilyard to approve the Regular Meeting Agenda, as amended (Remove Res2017-061 - Cooperation Agreement between the City and the South Fulton CID and hold the item until a presentation is made). The motion passed unanimously, 7-0-0.

6. Public Comment
 - a. Speakers will be granted up to two minutes each and public comment will not exceed 30 minutes. Speakers will not be allowed to yield or donate their time to other speakers.

The following nine (9) Citizens offered public comment:

- **Ms. Barbara McKee, Old National Sidewalks, what happen – did you run out of money? Naming of the City of South Fulton – need names that reflect me.**
- **Ms. Sheila Stewart, neighbor has a septic tank with waste running onto her property (pasture).**

- **Ms. Joyce Armster**, thanked Mayor and Councilmembers khalid and Baker for the Day of Clean-Up. Thanked all who participated in Old National Area Residents United Clean-Up Project.
- **Ms. Savitri Crenshaw**, can you provide an up-date on trash, any selections yet? D.R. Horton, Builder, pulled out of their sub-division (South Hills) 18 months ago and left retention pond that keeps getting worse. Can we get a resolution to this problem?
- **Ms. Glenda Collins**, thanked everyone for coming out on Armistice Day for clean-up. Surrounding Cities have moved their signs, any way we can see an up-dated map with boundaries? Satisfied with name: City of South Fulton.
- **Mr. Clinton Bailey**, police response very slow on Old National Highway – Burlington Coat Factory area.
- **Mr. Tony Steele**, Store Manager, Burlington Coat Factory – police response time is 2-1/2 hours. Please investigate.
- **Ms. Jewel Johnson**, Select South Fulton and South Fulton CID. Select South Fulton is not what we need. Need community input. South Fulton CID – Community needs to have input.
- **Mr. Kenneth F. Joe, Sr.**, Select South Fulton – we don't need. South Fulton CID, why are we paying them? Regarding the missing \$1 million gone, concern regarding the Interim City Manager – he wants an 'Open Records Request' to see how this happened.

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7. Business

a. Resolutions

- ~~i. Resolution Appointing Tiffany Carter Sellers as the Chief Judge for the Municipal Court of the City of South Fulton; and for other purposes. (Res2017-054)~~

Removed. As requested by Kimberly Anderson, City Attorney Representative.

- ii. A Resolution Approving the Agreement for Transfer of Municipal Court Jurisdiction and for Municipal Court Services between Fulton County, Georgia and the City of South Fulton, Georgia. **(Res2017-055)**

Councilmember Gilyard expressed concern about the dollar amount the City of South Fulton pays to Fulton County for services. Legal Counsel, Kimberly Anderson addressed the Councilmember's concern explaining that Counsel has held meetings with Fulton County to address those issues and the hourly rate for the Solicitor will be somewhere around \$89.00 or less per hour. They are currently waiting on the final amount but want to move forward with the IGA for Council to approve the terms because the courts are coming online soon.

For clarity, Mayor Pro Tem Rowell pointed out that the City is obligated under an Agreement for payments of \$5.8 million which expire on December 31, 2017. She inquired if Council will entertain Section 5.9 be amended to read a dollar amount up to \$89.00 per hour which should address concerns. Councilmember Gilyard indicated it only addresses some of the issues.

It was noted that we currently have a contract for the Judges at \$89.00 per hour and for the County to provide clerk-related services at a compensation rate of \$17,637.00 per month. Councilmember Willis brought to the attention of Council that the City Courts should be up

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and running by November 1, 2017. So, we should move ahead on this issue.

a. A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Willis to adopt as amended, Res2017-057 amending Section 5.9 to read 'up to \$89.00 per hour for Solicitor services'.

Discussion followed. Legal Counsel to bring back at the October 24th Council Meeting Fulton County's final numbers.

b. A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Willis to adopt as amended, Section 5.9 to read 'up to \$89.00 per hour for the services of a Solicitor'; with a termination clause included in Res2017-055. Mayor Pro Tem Rowell, Councilmembers Willis, Gilyard and Gumbs voted yea. Councilmembers Baker, Khalid and Jackson voted no. Therefore, the motion passed, 4-3-0.

iii. Resolution to Adopt a Meeting Schedule for the Mayor and City Council of the City of South Fulton, Georgia to Comply with the Georgia Open Meetings Act, and for various other purposes. **(Res2017-056)**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Jackson to approve/adopt Res2017-056. The motion passed unanimously, 7-0-0.

iv. Resolution to Adopt the Community Development Services Department's 2017 Calendars for Re-Zonings, Modifications and Variances for the Mayor and City Council of the City of South Fulton, Georgia, to Comply with the Georgia Open Meetings Act, and for various other purposes. **(Res2017-057)**

Shayla Reed, Deputy Director of Community Development Services Department gave a brief overview of the Calendar. She

indicated the Zoning Board of Appeals was trained last week and the Planning Commission will meet next week for training.

A motion was made by Councilmember Jackson and seconded by Councilmember Gumbs to approve/adopt Res2017-057. The motion passed unanimously, 7-0-0.

- v. Resolution of the Mayor and Council of the City of South Fulton to Appoint a Trustee for the City of South Fulton Defined Contribution and 457(b) Deferred Contribution Plans, to Authorize the Plan Recordkeeper to Act as Agent of the Trustee, and for various other purposes. **(Res2017-058)**

Anquilla Henderson from the Human Resources Department informed Council that Reliance Trust was selected as Trustee, as one of the partners of Mass Mutual. The CFO, Frank Milazi, of the City of South Fulton was involved in the selection process.

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gumbs to approve/adopt Res2017-058. Mayor Pro Tem Rowell and Councilmembers Willis, Gilyard, Gumbs, Jackson and Baker voted yea, Councilmember khalid voted no. The motion passed 6-1-0.

- vi. Resolution of the City of South Fulton, Georgia awarding a Contract to Springsted | Waters of St. Paul, Minnesota for the Recruitment of the City Manager and Chief of Police; to Authorize the Mayor to Execute said Contract in an Amount not to exceed \$46,550 and to provide an Effective Date. **(Res2017-059)**

A motion was made by Councilmember Jackson and seconded by Councilmember Gumbs to approve/adopt a substitute Res2017-059 (as submitted by legal counsel) with a friendly amendment from Councilmember Gilyard related to the time- period of no more than 30 days, November 15, 2017. The friendly amendment was accepted.

Discussion: Kimberly Anderson, Legal Counsel, needed to make some changes according to Georgia Law but no substantive changes just style and form. Issued new copies to Council. A representative from Springsted|Waters gave an overview of the services and timeline involved in the process. Councilmember khalid expressed concern if the Mayor plans to appoint the current Interim City Manager as the permanent City Manager at the end of her interim term on December 31, 2017, then the Council should not spend \$46,000.00 for the recruitment firm.

Mayor Pro Tem Rowell called for a vote for the motion on the floor. Mayor Edwards called for the motion. Councilmember Gilyard changed the 30 days to 90 days. Councilmember Jackson accepted the change from 30 to 90 days on her motion. Councilmember Gilyard changed her friendly amendment to 90 days from the signing of the Contract. Councilmember Jackson accepted the change from Councilmember Gilyard.

A motion was made by Councilmember Jackson and seconded by Councilmember Gumbs to approve the substitute Res2017-059 from legal counsel along with a term to be inserted in the clauses on the second page, the Contract to be amended for a term of 90 days from the execution of the Contract. Mayor Pro Tem Rowell and Councilmembers Gilyard and Jackson voted yea. Councilmembers Baker, Willis, Gumbs and khalid voted no. The motion failed 3-4-0.

- vii. A Resolution of the City of South Fulton, Georgia
Executing the Cooperation Agreement between The City
of South Fulton and the Fulton Industrial Community
Improvement District and to provide an Effective Date.
(Res2017-060)

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Willis to approve/adopt Res2017-060. (No vote was taken on this motion.)

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The Interim City Manager requested an “expansion provision to include two businesses” in the area. (On file in the Clerk’s office.)

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Willis to approve Res2017-060 with an expansion to include two additional businesses into the Fulton Industrial Community Improvement District. Mayor Edwards, Mayor Pro Tem Rowell, Councilmembers Willis and Gilyard voted yea. Councilmembers Jackson, khalid and Baker voted no. Councilmember Gumbs did not vote, she was away from dais. The motion passed 4-3-0.

- viii. A Resolution of the City of South Fulton, Georgia Executing a Cooperation Agreement between the City and the South Fulton Community Improvement District and to provide an Effective Date. **(Res2017-061)**

Held, awaiting a presentation from the South Fulton CID.

b. Ordinances

- i. **[SECOND READING]** Ordinance to comply with O.C.G.A. §50-18-70, ET SEQ.; Designating an “Open Records Officer” and “Assistant Open Records Officer(s)” for the City of South Fulton; Defining the duties and compensation thereof; providing for public record requests to be served upon the Open Records Officer or, in the Officer’s absence or unavailability, upon an Assistant Open Records Officer; providing for the manner of serving public records request on the Open Records Officer; providing for notice of the City’s open records procedures; providing reasonable charges for compliance with public records request; to repeal conflicting code provisions, ordinances, or portions thereof, in conflict with the foregoing; to establish an effective date; and for other purposes. **(Rowell – Ord2017-025)**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember khalid to approve Ord2017-025, with a friendly amendment by Councilmember Gilyard striking the ‘Compensation sentence ending with time amended’ on page 2, section 1-7002, line 5. The friendly amendment was accepted. The motion passed unanimously, 7-0-0.

- ii. **[FIRST READING]** Amendment to Ordinance 2017-018. Ordinance to Amend Title 8 of the City of South Fulton Code of Ordinances, to add Sec. 8-1014., regarding the duties and authority of police officers. **(Ord2017-026)**

Judge Sellers gave a brief overview of the swearing in, authority and duties of the City of South Fulton police that transfer from Fulton County.

- iii. **[FIRST READING]** Amendment to Ordinance 2017-018. Ordinance to Amend Title 8 of the City of South Fulton Code of Ordinances, to add Secs. 8-1010-11., regarding ATVs and Off-Road vehicles. **(Willis and Rowell – Ord2017-027)**

Councilmember Willis explained the ATVs rules of the road and penalties involved within the City of South Fulton.

8. City Manager's Weekly Update

- **Interim City Manager, Ruth Jones, gave an overview of her report.**
- **Mayor Pro Tem Rowell asked if the Interim City Manager anticipated the Agreement as it relates to the Courts will be at the next Council Meeting.**
- **Councilmember khalid asked if the City of South Fulton had an agreement on an ambulance service provider. The Interim City Manager indicted that currently the ambulance service is handled by County/State wide.**

- **Councilmember khalid requested definite numbers on applicants for City Manager Position. Received 106 per Interim City Manager.**
- **Councilmember khalid stated that we are transferring our three (3) most important departments over in the next 90 days, fire, police and parks.**
- **Councilmember khalid requested to include in the next City Manager's Report actual quotes and figures of rebranding, like decals and uniforms and what the cost would be for each department and where the money would come from. The Interim City Manager indicated decal cost depends on size of decal, uniforms will be provided from same vendor which they have the current contract and the money comes from their respective departments.**
- **Mayor Pro Tem Rowell requested the Interim City Manager to add a section that speaks to procurement in her report.**
- **Councilmember Jackson asked were her small providers included in the 'Solid Waste RFP'. The Interim City Manager indicated everyone will be included.**
- **Councilmember Willis asked legal counsel if her Ordinances (Sanitation and Recycle and Purchasing Ordinances) will be available for the next meeting for the first read? Legal counsel indicated they will try.**

CFO Frank Milazi, gave a report on expenditures. The City does not have enough money to meet their obligations. He applied for a \$10 million TAN and asked for Council's approval to move forward. He passed out documents to Councilmembers to show which banks responded and their interest rates for the TAN.

A motion was made by Councilmember Baker and seconded by Councilmember khalid to move forward with IFS Securities for the \$10 million TAN. The motion passed unanimously, 7-0-0.

9. Mayor and City Council Comments (Two minutes each)

Omitted

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10. Executive Session, if necessary

A motion was made by Councilmember Willis and seconded by Mayor Pro Tem Rowell to omit the 'Mayor and City Council Comments (Two minutes each) and to conduct a closed Executive Session regarding Personnel. Hearing no objections, the motion passed unanimously, 7-0-0.

For purposes of public announcement, there was action taken during Executive Session by unanimous vote to pay the Municipal Court Chief Judge, \$92,000.00/year through December 2017, and \$78,000.00 thereafter annually.

11. Adjournment

A motion was made by Councilmember Willis and seconded by Councilmember khalid to adjourn the meeting. The motion passed unanimously, 7-0-0.

The meeting was adjourned at 9:58pm.